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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-fifth session

SUMMARY RECORD OF THE 1343rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 9 August 1999, at 10 a.m.

Chairman: Mr. ABOUL-NASR

later: Mr. SHERIFIS

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Review of the implementation of the Convention in States parties whose reports are excessively overdue

Maldives

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The meeting was called to order at 10.10 a.m.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING MEASURES AND URGENT ACTION PROCEDURES (agenda item 3) (continued)

1. The CHAIRMAN said that the situation in central Africa, where there were millions of refugees and far more victims than in Kosovo, warranted some kind of statement or decision by the Committee. The secretariat could prepare a file of relevant documentation on the crisis, to which members could add, and which would certainly include the recent request from seven central African heads of State for refugee assistance from the United Nations, the important statements made by the United Nations High Commissioner for Human Rights on her recent African trip, the Secretary-General's statement on Sierra Leone, and pertinent statements by the Organization of African Unity (OAU). He suggested that Mr. Garvalov should work with a small open-ended working group to draft a decision.

2. It was so decided.

GENERAL DEBATE

3. The CHAIRMAN said that he thought a number of issues merited discussion. For instance, a way had to be found, as required by article 9, paragraph 2, of the Convention, to report to the General Assembly on the Committee's concluding observations concerning the periodic reports and, at the same time, on the States parties' reactions to its observations; unfortunately, that was often not feasible because of the time needed to receive their reactions.

4. Another issue was that the Committee had come to rely on sources of information other than the States parties themselves as stipulated in article 9, and there was a question of fairness involved in citing such outside findings without first ascertaining the reliability of the non-governmental sources or press reports from which they were drawn, or at least informing the States parties about the information in advance.

5. The Committee might consider organizing its consideration of reports differently, particularly regarding the time the country rapporteurs were allowed for their presentations, which could be inordinately long. It should also give thought to the desirability of doing some of its work in informal meetings in the course of the session, as other bodies did.

6. There were, furthermore, competing requirements that needed clarification: the Committee had to uphold universal human rights standards and make equal demands on all States parties; yet it also had to take into account the particular difficulties and the prevailing conditions faced by individual States. In his view, human rights standards could not be applied absolutely in all cases.

7. Mr. BANTON, recalling that an earlier general debate had resulted in the general recommendation on self-determination (General Recommendation XXI), suggested that the Committee might discuss topics for other general recommendations.

8. He agreed with the Chairman that the organization of work could be improved: the Committee should consider how to examine more reports without lengthening its session; how to balance the time allotted to delegations as opposed to Committee members; and how to apportion more fairly the time spent by Committee members in asking questions, so that the ones speaking later were not given short shrift. In his view, however, some of the problems referred to by the Chairman would be better dealt with on a case-by-case basis, as they arose, rather than discussed now - among them were the issues of outside sources, of the country rapporteur's role vis-à-vis the State party, and of the allowance to be made for the particular circumstances of a given State party.

9. The new review procedure in the case of States parties whose reports were seriously overdue had been a great success, if only because it prompted most of them to request a postponement. Success, however, meant that there would eventually be more reports to consider; even so, many members felt that a well-organized three-week session would be sufficient. In order to deal with all the reports, the Committee should distinguish between comprehensive periodic reports and the much shorter updating reports; for the latter, it could invite the State party not to send a delegation but, rather, one or more representatives from their permanent missions. The Committee, proceeding from its knowledge of the particular situations, could also authorize the Chairman to take case-by-case decisions on the time to be allotted to individual reports: for instance, the forthcoming report of Tonga, which would not be sending a delegation, should require no more than 20 minutes; and the reports of Iceland or the Holy See would not be expected to require as much time as, say, those of France or the Netherlands. In order to work more efficiently, of course, the Committee would have to improve its way of briefing State party delegations: the document on the matter which, he believed, had been adopted at the previous session should be distributed to both delegations and missions, which were not well informed about Committee procedures.

10. On the issue of balancing the time allotted to delegations and to Committee members, delegations could be instructed to speak in their introductions only about events subsequent to the preparation of the reports; in that case, of course, backlogs in the consideration of reports had to be avoided. Secondly, the country rapporteurs should limit the length of their presentations, with exceptions in the event of special circumstances; and all Committee members would have to cooperate in trying to finish asking questions by the end of the afternoon meeting. The Chairman should be more directive in that respect, asking publicly for brevity and announcing that the Committee wished to conclude a given report by the middle of the next morning's meeting.

11. Furthermore, time should be equitably allotted among the Committee members who spoke first and those who spoke later. Time limits could never be enforced, but the Chairman could give reminders as he saw problems developing.

12. The CHAIRMAN suggested that the current general debate should be limited to pinpointing the issues that needed consideration, deferring detailed discussions and decisions until later. The backlog was not a serious problem, since the Committee had only 15 overdue reports as opposed to hundreds in some

of the other treaty bodies. On the point Mr. Banton had raised about State party briefings, he asked the Secretary if a decision on procedures had actually ever been adopted.

13. Mr. HUSBANDS (Secretary of the Committee) said it was his recollection that Mr. Banton had put forward a text dealing with briefing procedures on two occasions but that in both instances some members of the Committee had objected that it set overly rigid time limits on speakers and especially on delegations. He believed the conclusion had been that the document could be used informally as background material for the secretariat when it briefed delegations, but that it should not be distributed.

14. The CHAIRMAN stressed the importance of building an atmosphere of dialogue and trust with a reporting State.

15. Mr. WOLFRUM said that he thought it should be a priority to devise a way of reporting on State party reactions to the Committee's concluding observations, a problem that arose generally at the summer sessions. The question was the form in which the State party comments should be published and whether they should be accompanied by a further Committee statement as well.

16. He agreed with Mr. Banton that the question of sources of information should be dealt with on a case-by-case basis. At any rate, in addition to following the procedural rule that sources must be disclosed, members could always make a point of citing outside information in the form of a question rather than a foregone conclusion. He did not think such information need be communicated in advance to the State party involved, although he would be willing to give some oral indication ahead of time to the delegation. The Committee's policy should not be to take a State by surprise.

17. The length of time allotted for consideration of a report should, again, be determined on a case-by-case basis. The Chairman should not, however, become a rigid taskmaster. As to fairness with regard to Committee questioning, those members who spoke later were supposed not to reiterate points already made, so that they could fairly be given less time. Since the backlog was, in fact, not large, there was no need to over-organize procedures; that would be the best way to kill a fruitful dialogue. He was totally against differentiating between the time allotted for the various country reports, for that would be discriminatory. In the case of Iceland and the Holy See specifically, their reports had afforded an opportunity for very interesting and mutually instructive discussions. Only when a State party had submitted no report could less time be devoted to a country.

18. He agreed with Mr. Banton about the importance of general recommendations, and all members should give thought to possible topics. Producing a general recommendation was a good way for the Committee members to find common ground.

19. He would add a further issue: the Committee's relations with other treaty bodies. No member had ever reported back to the Committee under the current liaison-officer system; a half-day could be set aside to hear about Committee-related activities of the other treaty bodies.

20. The CHAIRMAN said that the matter had been discussed at a meeting of persons chairing the human rights treaty bodies, but the problem, as always, was one of funding. For instance, it would have been useful for him to attend meetings of other bodies, but no funds had been available for that purpose. Indeed, he had often had to reply to fax and other messages at his own expense. The General Assembly had seemingly responded favourably to his suggestion that the treaty body chairpersons should be present during the Assembly's deliberations on the work of the bodies concerned; but the question of funding made him doubt whether any action would result.

21. Mr. de GOUTTES said that, according to the Committee's decision 1 (XL) its members must have access to all available sources of information, governmental and non-governmental. It was important, in that regard, that sources of information should be indicated in all cases.

22. Referring to the country rapporteurs' questioning procedures, he did not think that the Committee could adopt the method, used in certain other bodies, of preparing lists of issues; apart from anything else, the considerable intersessional work required would make the cost prohibitive. The Committee could perhaps have more contact with the permanent missions concerned, indicating, inter alia, the general nature of the questions that would be raised. With regard to the length of sessions, he agreed that the Committee should still strive to complete its work within a three-week period.

23. It was important to allow delegations sufficient time to reply to the Committee's questions and comments, particularly when, as in the case of the Islamic Republic of Iran, they had taken the trouble to bring a number of specially briefed experts. Lastly, he shared the view that the Committee's concluding observations could perhaps be accompanied by the State party's reactions to them.

24. The CHAIRMAN agreed on the need to give visiting delegations more time to speak, although, in the case of the Islamic Republic of Iran, the delegation itself had caused the time difficulty.

25. Mr. van BOVEN said that the Committee's position and methods with regard to relations with States parties needed clarification. He agreed that the latter should be encouraged to comment on the Committee's concluding observations, perhaps being given a deadline for doing so in order to have their reaction included in the Committee's report. He foresaw some difficulty, with regard to the task of the country rapporteur, in drawing up lists of questions; to do so would take time and might necessitate special working groups. But he would encourage some preliminary contact with the State party, for example to indicate the type of questions that would be raised. Information from other sources, such as non-governmental organizations (NGOs), should be acceptable; but preliminary contacts would enhance the subsequent dialogue by dispelling any impression of an attempt to take the State party unawares.

26. He observed that the Committee's use of its early warning measures had occasionally given rise to some misunderstandings over the gross nature of the violation in question, Australia being a case in point. The Committee had indeed improved its use of that approach, but whereas its impact had at times

been positive, as in the case of the Czech Republic with regard to the Roma, it had been negligible in Rwanda and Bosnia and Herzegovina, for example. It was essential, therefore, that the Committee should clearly explain its motives to the State party whenever it adopted that special procedure.

27. While greatly appreciating the work carried out by Mr. Banton, he cautioned against over-organizing the work of the Committee, which should retain its essential spontaneity. He was in favour of continuing to produce general recommendations, especially for the purpose of drawing attention to the scope of the Convention, with particular regard to article 1, paragraph 1. Misunderstandings with a number of States parties in the past convinced him that a sound grasp of the Convention was not all that widespread. One example of a suitable subject for a general recommendation was discrimination in housing, on which another treaty body had recently prepared a text for adoption.

28. In short, the Committee should be doing more to promote awareness of its work and of the Convention, both in general and in the framework of preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. He shared the view that the Committee's concluding observations were among the eminently useful aspects of its work in monitoring implementation of the Convention in States parties.

29. Ms. McDOUGALL said experience had shown that early contact between a country rapporteur and a State party was practical and fruitful; but she was not satisfied with the way in which consideration of some topics could lapse if, for instance, a State party claimed unreadiness to provide a detailed reply during the session in question and was invited to do so in the next periodic report. She wondered whether something could be done to avoid such long delays - for example, the indication of a deadline for the inclusion in the Committee's report of a State party's written response, including answers on pending matters.

30. With regard to "short-notice" agenda items, it would be useful if some of them, such as the question of draft recommendations for the forthcoming World Conference, could have specific times allotted for their consideration. It would help, too, if State party reports could be sent to the Committee members earlier; receipt of them only two weeks before a session began made preparation difficult.

31. She was against the idea of differentiating between the amounts of time allocated for States parties' reports, which seemed arbitrary, inflexible and open to pitfalls.

32. She supported better liaison with other relevant bodies, particularly when that could be done with little or no financial implications - for example, participation in consideration of the racial discrimination item on the current agenda of the Sub-Commission on the Promotion and Protection of Human Rights.

33. She regretted the lack of collaboration with the work of the Special Rapporteur on contemporary forms of racism, racial discrimination and

xenophobia and related intolerance since that might well lead to differing approaches and confusion with regard to findings. Perhaps he should be invited to attend the Committee's sessions.

34. The CHAIRMAN said that it was not for the Committee, the main treaty body on racial discrimination, to be approaching others working in that field, but rather the contrary. As it happened, the Special Rapporteur had already been invited to attend Committee meetings but had not done so. Nevertheless, the Committee might feel that the matter was worth taking up again.

35. Mr. SHERIFIS stressed that the Committee compared most favourably with other similar bodies in the way it carried out its tasks. But there was always room for improvement, and he acknowledged the validity of various suggestions made in the current debate. While he appreciated Mr. Banton's aim of saving time and recognized the need to differentiate between comprehensive and updating reports, it must be accepted that all States parties' reports were of equal value. Large or small, their efforts deserved due recognition; for example, Mauritania, a poor third world country, had dignified the Committee with the presence of four of its highest-ranking officials.

36. The timing of consideration of "short-notice" agenda items, as well as being decided by the Chairman, should have the agreement of all members. In that regard, a decision could be taken on the draft prepared by Mr. Banton, subject to possible slight revision.

37. States parties should be kept informed at all times of the Committee's procedures. The question of how to deal with responses to the Committee's concluding observations was covered by article 9, paragraph 2, of the Convention, which was mandatory. As to what should be done if a State party's comments, referred to in the last sentence of that paragraph, were, in the Committee's view, irrelevant or unduly long, he said that whatever procedure might be deemed suitable in that regard must apply without distinction.

38. The problem of finance, including the incurring of personal expense, mentioned by the Chairman was a matter than ought to be taken up.

39. He expressed some doubt as to whether the country rapporteurs should furnish States parties with advance written statements, as that might mean that the country rapporteurs' comments would be available to States even before the Committee members who had designated them. On the other hand, the idea of establishing preliminary contacts was worth pursuing.

40. He agreed that further work was needed on the general recommendations, which represented an important part of the Committee's work and served the interests of the Convention and the States parties. The Committee was not, however, a deliberative body which could be satisfied solely with the decisions it adopted, but an expert body whose aim was ultimately the effective implementation of those decisions.

41. While the idea of keeping abreast of deliberations in other relevant human rights bodies had its merits, attendance at their meetings was not necessarily advisable, even if the sessions coincided and the financial implications were minimal, as the absence of one or two Committee members

would be detrimental to the work of the Committee itself. Perhaps a message or address by the Committee Chairman or a Committee member would suffice.

42. The Committee had done much to facilitate its work with the Special Rapporteur on contemporary forms of racism, but its interest had alas not elicited a commensurate response on the part of the Special Rapporteur. The blame for that should not be laid with the Committee.

43. Mr. GARVALOV, concurring with the other members' comments, said that States parties needed to analyse the effectiveness of their policies against racial discrimination, and one of the duties of the Committee was to ensure that they did so, either through dialogue or by offering its good offices. The Committee should take a much firmer stand when confronted with statements to the effect that racial discrimination did not exist in a country, and that there was therefore no need to amend the Constitution, adopt specific legislation, train law-enforcement personnel or address discrimination in the education system on the grounds that human rights teaching covered racial discrimination as well.

44. On the subject of the effectiveness of the Committee's very important early warning and urgent procedures, he asked how quickly its decisions on early warning cases reach the Office of the United Nations High Commissioner for Human Rights and the Secretary-General of the United Nations, and whether they were promptly submitted to and given due consideration by the Security Council and other responsible United Nations bodies. The Security Council should debate potentially explosive ethnic conflicts, and should not simply neglect such topics under the pretext that they did not fall under its purview. What had happened in Kosovo, which had occurred largely owing to the failure of the United Nations to take preventive action through the Security Council, reflected a dire disregard for the United Nations and what it stood for.

45. A useful and acceptable contribution by the Committee to the forthcoming World Conference meant drawing upon the wisdom of its members and the wealth of its 29 years of experience and called for an extra effort on the part of the Committee members to reach agreement on concrete proposals for the World Conference agenda.

46. The Committee had continuously put off a discussion on the issue of minorities, which required a unified approach, especially when States' reports were under consideration. The Committee's request for information on ethnic composition and interest in ethnic and racial minorities was politically delicate for certain States, as it could lead to a misapprehension among some ethnic groups and minorities that the Committee believed that they should have more and special rights, and could even encourage demands for autonomy, secession or independence.

47. Committee members were not in agreement as to whether self-determination should be considered an inalienable right of certain minorities. Failure to discuss that and other minority issues in depth and reach a common understanding had led to double standards. For example, some States were considered, albeit tacitly, to be less ethnically diverse while others were called to task for failure to recognize the existence of ethnic groups and

minorities. In Europe, some countries called their ethnic groups "ethnic communities" or "ethnic minorities", while the Committee considered that ethnic groups in other States were "national minorities", a term heavily laden with implications. A more common approach would help remove any sign of ambiguity. On the subject of the right of self-determination, the Committee's well-documented position was that its recognition of the right of self-determination should in no way be construed as meaning that it condoned unilateral demands for secession or for violation of the territorial integrity of a State.

48. Mr. VALENCIA RODRIGUEZ said that, under article 9, the basic source of information for the consideration of a State's report was the report itself, although the Committee could, of course, use other sources as well. In order to avoid problems, it was important for Committee members to indicate clearly the source of any information quoted, especially when it came from NGOs which often quite naturally had views differing from those of the States, and to make it clear that they were basing their questions on information from such sources but passing no judgement as to their veracity.

49. The Committee should always encourage States to submit comments and replies subsequent to the concluding observations as a crucial building-block for dialogue. Time was often short for the State party to present its comments, but when one did, they should be sent to the General Assembly along with the Committee's concluding observations, in accordance with article 9. On the other hand, the Committee should not attach its own comments on such replies, as it had no authority to do so. It could, however, subsequently consider the replies as new information for the discussion of the next report.

50. During the consideration of reports, delegations should confine themselves to briefing the Committee on new developments since the drafting of the periodic report. To give delegations time to respond to questions, country rapporteurs should generally confine their statements to 20 or 25 minutes, with exceptions in certain cases, and other Committee members should limit their statements to 8 to 10 minutes and avoid repeating comments made by the country rapporteurs.

51. Experience of the work of the Committee showed that there was no reason to require country rapporteurs to provide States with a copy of their questions and comments prior to the discussion, as was the practice in other treaty bodies. Preliminary informal contacts would ensure that the delegation was informed of the main issues that would be raised and of the sources to which reference would be made. In many cases, it was not so much the State party that would be interested in such preliminary contacts as the NGOs. But it was the duty of the country rapporteur to be available for such informal consultation with the country's delegation.

52. There was no reason to differentiate between the various reports that the Committee could receive. All should be treated equally, with the exception of cases in which a State party submitted no report and could not send a delegation to represent it before the Committee.

53. The Committee need not attend the meetings of other human rights bodies discussing matters of racial discrimination, as their reports would suffice. The Committee could not impose its presence on other bodies. On the other hand, since the Committee was the only human rights body dealing with racial discrimination which maintained a regular dialogue with States, bodies with other terms of reference would surely find it interesting to follow the Committee's deliberations.

54. Mr. SHAHI said that the general debate, especially the points raised by Mr. van Boven, Mr. Banton and Mr. Garvalov, was proving extremely useful. Under article 9, paragraph 2, of the Convention, the State party should be able to have the last word. He endorsed Mr. Valencia Rodriguez' suggestion that further comments on the concluding observations should be treated as new information. It was unlikely that there would be time to include in the Committee's report to the General Assembly the comments made by States whose delegations appeared at the August session; and even less likely if the Committee had to include its own views as well. He wished to know whether the Committee's concluding observations adopted at the March session were immediately distributed to the Sub-Commission, the Special Rapporteur and the Human Rights Committee, or whether they had to wait for the Committee's annual report. They should be made available to the Special Rapporteur and the Sub-Commission without delay, just as the work of the Special Rapporteur and the conclusions, decisions and resolutions of the Sub-Commission should be circulated to the Committee members immediately, particularly as the sessions of the two bodies coincided in August.

55. The CHAIRMAN expressed the opinion that the concluding observations should be dispatched to the Special Rapporteur only if he so requested. There was no reason to forward such documents to him automatically.

56. Ms. ZOU said that the scheduling of the consideration of reports could be improved, for instance, by avoiding consideration of any country reports during the last week of each session. According to current practice, reports were still being considered on the final Wednesday before the end of the session, which left little time for consideration of the concluding observations. Sometimes draft concluding observations were submitted at 10 a.m. and comments requested by 1 p.m., leaving members with no time to read the conclusions, let alone formulate opinions, and forcing the discussion to take place in less than optimal conditions. Concluding observations were highly important and were closely scrutinized by the countries concerned, so they demanded greater care. The final week could be devoted to review procedures, for instance. At the current session, the time - just three meetings - allocated for the consideration of the Committee's 15 sets of concluding observations was simply too short.

57. Members did not receive country reports in sufficient time to read them thoroughly before the session began, a problem that was particularly acute for country rapporteurs, who had to prepare detailed comments. According to the Secretariat, it was United Nations policy to distribute reports only when all the language versions were available. Surely an exception could be made in the case of the members, who really needed the documents in good time?

58. She did not consider that a time limit should be placed on statements. Members should exercise self-restraint, particularly if time was short, in order to ensure that other members, as well as the State party concerned, had enough time to speak.

59. The CHAIRMAN recalled that, under rule 37 of the Committee's Rules of Procedure, he could suggest the setting of a time limit for speakers, although members did not seem to be in favour of that solution. For the moment, he would continue to appeal to members' self-restraint.

60. Mr. YUTZIS said that the main priority was flexibility. The Committee had improved its practice in several areas. It had come out of its earlier isolation and forged links with other bodies, for instance in the preparations for the World Conference against Racism. The Committee's country rapporteurs had been able to explore the issues raised by country reports more deeply and provide valuable material for the debate. The Committee's recommendations were taken into account more and more often by States parties and other treaty bodies. Members, especially country rapporteurs, received much more documentation than before, from the Secretariat and from other sources. Of course, there was room for improvement, but it was important not to jeopardize those achievements.

61. The Committee should continue to use as many sources of information as possible, keep up its contacts with other treaty bodies and give more attention to the duties of the country rapporteur. Members' questions or comments should not be given to States parties in advance. He also felt that more time should be allowed for the Committee's general recommendations and other comments of a general nature. However, it was also important to allow enough time for the discussion of country reports, which had not been the case with the Islamic Republic of Iran. The Committee had a longer session, it was true, but it was not just a question of considering more reports: the Committee must also improve the quality of its work, particularly its concluding observations.

62. Ms. McDOUGALL, clarifying her earlier statement, said that she had not intended to suggest that a member of the Committee should attend whole sessions of other human rights bodies. The Committee could provide an input into the work of those bodies by means, for instance, of a statement by the Chairman at the beginning of a session or by submitting a list of priority issues, both of which had been done in recent years.

63. Mr. RECHETOV said that the Committee must adopt a flexible approach if it were not to destroy the relationship of trust and respect between itself and States parties. All reports should be allotted the same amount of time, and the present allocation of two meetings per report seemed adequate. Of course, any time which was not needed for the country report could be devoted to other matters. The country rapporteur should speak for 35 to 40 minutes, and lengthy questions from other members should then be unnecessary.

64. The Committee should be cautious of trying to establish close relations with all other human rights bodies. The interests of mainly political bodies, such as the Commission on Human Rights and even, to some extent, the Sub-Commission were not necessarily the same as those of a body of experts

like the Committee. The Committee should concentrate on building up good relations with the other five treaty bodies. It should not be too concerned, for example, if the Sub-Commission or the Special Rapporteur did not always share the Committee's views: it was natural in view of their different mandates.

65. The CHAIRMAN said that the general debate had provided a valuable exchange of views. Perhaps one or two of the issues raised could be discussed in greater detail at future sessions, with the aim of arriving at a formal decision, if appropriate. If any formal conclusion was reached concerning relations with the Sub-Commission, for example, an officer of that body might be invited to a meeting of the Committee to discuss it.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Review of the implementation of the Convention in States parties whose reports are excessively overdue

Maldives (CERD/C/203/Add.1; A/47/18, paras. 69-74)

66. Mr. GARVALOV (Country Rapporteur) said that Maldives had submitted its fourth periodic report (CERD/C/302/Add.1) in 1992, and the Committee had considered it, in the absence of the State party, in August that year (see document A/47/18, paras. 69-74). The fifth to seventh periodic reports were overdue, but had not been received.

67. It was unfortunate that no State party representative was present at the debate, since a number of important issues to which the Committee had drawn attention in 1992 remained unanswered. In paragraph 1 of the fourth periodic report, for example, the State party concluded that, since no racial discrimination existed in Maldives, no specific legislation was required to implement the provisions of the Convention. However, the Committee had always maintained that a State party was obliged, if only as a precautionary measure, to enact specific legislation to give effect to the Convention, whether or not it acknowledged the existence of racial discrimination on its territory.

68. He wished to know whether the Convention was directly applicable in the courts of Maldives. There were reliable reports that, in recent years, increasing numbers of migrant workers and foreigners had taken up residence in the country. He wondered what their real status was and whether they could enjoy the protection of the Convention if they needed to go to court to seek redress for acts of racial discrimination. He would further like to know whether there was any prohibition of racial discrimination in the Constitution or other laws of the country.

69. He was inclined to believe that the reason why Maldives had not submitted a periodic report since 1992 was that it needed technical assistance, since the fourth periodic report itself had not been prepared in accordance with the Committee's guidelines. The Committee had recommended at the time that the State party should take advantage of the assistance of the Centre for Human Rights, as it was then called, in Geneva.

70. Reliable reports from Amnesty International, the United States Department of State and the Minority Rights Group gave evidence of restrictions of certain rights, including some of those listed in article 5 of the Convention. They included: women's and workers' rights; the activities of political parties; freedom of assembly, association and religion; and the expression of criticism of the President or the Government. However, a new Constitution had come into force in January 1998, which did provide for the protection of certain human rights. Notable changes were that the Majlis, or Parliament, was to be enlarged from 48 to 50 seats; a formal, multi-candidate contest was to be permitted for the Majlis nomination for the Presidency; there was no restriction on the number of terms which a President might serve; parliamentary immunity had been introduced and parliamentary questions were to be allowed; the rights of citizens had been increased; the office of Auditor-General had been created; the office of Commissioner for Elections had been constitutionalized; and public officers were to be more accountable. The Committee would welcome further information about the new Constitution and other changes, including the new Supreme Council for Islamic Affairs, established in 1996 to advise the Government on Islamic affairs.

71. He also had some information about education in Maldives, from sources which included the Office of the United Nations High Commissioner for Human Rights. Education was not compulsory: there were three types of formal education, namely traditional Koranic schools, primary schools using the national language, Dhivehi, and English-language primary and secondary schools. According to UNESCO estimates, adult literacy in 1995 was 93.2 per cent.

72. The State party was obliged under the Convention to submit its periodic reports regularly. He was sure that the Committee, as well as the Office of the High Commissioner, would give the State party all possible assistance in fulfilling that task.

73. Mr. Sherifis took the Chair.

74. The CHAIRMAN said he would doubtless be echoing the views of some members in citing the case of Maldives as an argument for holding one session of the Committee every year in New York, since Maldives had a permanent representative there, but not in Geneva.

75. If he saw no objection, he would take it that the Committee wished Mr. Garvalov to prepare concluding observations on its review of the implementation of the Convention in Maldives, for consideration at a later meeting.

76. It was so decided.

The meeting rose at 12.55 p.m.